

IC 13-30-4

Chapter 4. Civil Penalties

IC 13-30-4-1

Violations

Sec. 1. (a) Subject to IC 13-14-6 and except as provided in IC 13-23-14-2 and IC 13-23-14-3, a person who violates:

- (1) any provision of:
 - (A) environmental management laws;
 - (B) air pollution control laws;
 - (C) water pollution control laws;
 - (D) IC 13-18-14-1;
 - (E) a rule or standard adopted by the board; or
 - (F) a rule or standard adopted by the underground storage tank financial assurance board created by IC 13-23-11-1; or
- (2) any determination, permit, or order made or issued by the commissioner under:
 - (A) environmental management laws or IC 13-7 (before its repeal);
 - (B) air pollution control laws or IC 13-1-1 (before its repeal); or
 - (C) water pollution control laws or IC 13-1-3 (before its repeal);

is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) per day of any violation.

(b) The department may:

- (1) recover the civil penalty described in subsection (a) in a civil action commenced in any court with jurisdiction; and
- (2) request in the action that the person be enjoined from continuing the violation.

As added by P.L.1-1996, SEC.20. Amended by P.L.133-2012, SEC.160.

IC 13-30-4-2

Additional civil penalty; emergency orders

Sec. 2. (a) Subject to IC 13-14-6 and except as provided in IC 13-23-14-2 and IC 13-23-14-3, a person who:

- (1) is named in or directed by an emergency order under IC 13-14-10-1; and
- (2) violates the order;

is liable for an additional civil penalty not to exceed five hundred dollars (\$500) per hour of violation.

(b) The additional civil penalty described in subsection (a) shall be assessed in an action brought by the commissioner in any court with jurisdiction.

As added by P.L.1-1996, SEC.20.

IC 13-30-4-3

Waiver of civil penalties

Sec. 3. (a) The department may waive up to one hundred percent

(100%) of a civil penalty imposed on a business for a minor violation of:

- (1) a requirement of environmental management laws;
- (2) a rule adopted by a board; or
- (3) any determination, permit, or order made or issued by the commissioner.

(b) The department may not waive any part of a civil penalty under this section if the violation:

- (1) endangers or causes damage to public health or the environment;
- (2) is intentional, willful, or criminal;
- (3) is of a requirement for which the department has previously issued a notice or warning of violation, for this or a prior violation, to the business required to correct the violation; or
- (4) is not corrected within ninety (90) days after the date the business required to correct the violation notifies the department of the violation under subsection (c). The department may extend the ninety (90) day period for not more than an additional ninety (90) days.

(c) To seek a waiver of a civil penalty under this section, the business required to correct the violation must submit to the department a written report of the violation for which a waiver is sought. The report must be submitted to the department before an inspection by the department that discloses the violation or the issuance of a notice or warning of violation.

(d) The boards may adopt rules to implement this section.

As added by P.L.1-1996, SEC.20. Amended by P.L.123-1996, SEC.15.

IC 13-30-4-4

Waiver eligibility determination by compliance assistance program

Sec. 4. To determine eligibility for a waiver under section 3 of this chapter, a business required to correct a violation may contact the technical and compliance assistance program established under IC 13-28-3. The confidentiality provision in IC 13-28-3-4 applies to the contact.

As added by P.L.1-1996, SEC.20.